

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, MAY 6, 2003

Chair Mathewson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Mathewson, Gibson, Parsons, Frautschi, Dickenson, Long, Parsons
Absent, Commissioners: Torre (arrived 7:01pm)

Present, Staff Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Associate Planner Swan (AP), Recording Secretary Flores (RS) Attorney Jean Savaree.

- 2. AGENDA AMENDMENTS: None**
- 3. COMMUNITY FORUM (Public Comments): None**
- 4. CONSENT CALENDAR:**

4A. Minutes of 4/1/03

MOTION: By Commissioner Frautschi, seconded by Commissioner Parsons, to approve the Minutes of April 1, 2003.

Motion passed 6/0

Absent: Commissioner Torre

Commissioner Torre arrived at 7:01 p.m.

5. STUDY SESSION

5A. PRELIMINARY DESIGN REVIEW – 780 El Camino Real

To consider a Preliminary Design Review to construct a 2,316 square foot two-story commercial retail/office building. The project includes two uncovered parking areas with spaces for seven vehicles within the 4,793 square foot site. (Appl. No. 03-0020)

APN: 040-371-050; Zoned: C-3 (Highway Commercial)

Applicant/Owner: Dominic Nguyen

PP de Melo noted that the procedures for Preliminary Design Review have been modified by the Council. He read the procedure into the record: 1) Minimal staff review; 2) Staff does not check plans for completeness, compliance with zoning standards or examining environmental impacts; 3) Comments and suggestions made during Preliminary Design Review are completely non binding on the Planning Commission; 4) Staff will work with the project applicant to incorporate and address all Commission issues raised at the meeting. He added that Council has directed that the Preliminary Design Review format focus on three questions: 1) Is the proposed land use appropriate for the site? 2) Is the proposed intensity of land use appropriate for the site? 3) Is the arrangement or distribution of the proposed land use appropriate for the site? He

summarized the report by stating that staff believes the three questions have been answered relative to the proposal at this time. Parking, traffic, grading, landscaping and other issues will be discussed at the more formal review stage of the project.

Responding to C Frautschi's question, PP de Melo stated that the FAR that is allowable on the site is 1.5 in the C3 zone and this proposal is for about .483.

Responding to C Torre's question about the location of driveway cuts for the two parking areas, PP de Melo stated that these will be provided when a more detailed site plan is completed.

Javier Solorzano , representing the applicant, noted that, to the extent possible, they are hoping to take advantage of the driveway that is currently there, but will work closely with Public Works to comply with requirements for the driveways. He added that they want to preserve the Italian Cypress trees and will work with the Commission to have a project that will be advantageous to the neighborhood, the Commission and the developer. Responding to Chair Mathewson, he stated that they are not yet recruiting tenants, but would likely be looking for a clothing shop, lawyers office, or something like that. He asked the Commission to take into consideration the fact that there are complaints that the current structure is an eyesore, and that they cannot pull a demolition permit until they have a building permit

Commissioners commented as follows:

C Frautschi:

Would not mind an even higher FAR if they could shift the structure so that it totally faces El Camino Real (ECR), even if that involved excavation at the back of the lot to create a flat area for parking.

Does not like the exposure of parking to ECR. Suggested orienting the building in a triangular fashion so that it faces Middle Road and ECR.

If the applicant is resolved to use this plan, he would want the landscaping on the corner to screen the parking in that area.

Does not like the exposed parking lot and the double entrance to the parking lot.

Does not like the Italian Cypress trees – feels they are normally seen in cemeteries and if they are damaged they die automatically and do not regenerate. He feels they are out of place with all the other landscape and are not one of the recommended street trees for the downtown area.

C Long:

Approved of trying to preserve the Italian Cypress trees and would hope that by shaping them there might be some distinctiveness left in them, even though they are currently in bad shape.

Had the same issue as C Torre about the curb cut, and assumed that where it says "new asphalted area" there would be one big asphalt area, which is off-putting to him. He liked the applicant's comments, since it sounds as if it is still an open area for discussion.

Has a great concern about the use of the building across Middle Road that also fronts ECR because it has a very difficult way to get in and out of the parking lot. Observed several cars coming off of ECR to do a turn-around, which seems to create a public safety issue.

Parking lot needs enough lighting to be safe but it needs to not shine on the neighbors up the hill.

Feels sympathetic to the developer and the only thing he could think of to put there if it were his property would be a drive-through cappuccino or hot dog stand.

C Parsons:

Concerns haven't changed from the previous proposal. It was larger, which was his main concern, but he felt it did a better job of solving the parking problem. He thinks the need for a certain amount of parking spaces and the configuration of the lot are basically fighting each other because there is no good configuration for parking and a building on this site. He believes people will try to back out onto the street, and that both lots are a real safety hazard.

He thinks the intensity of the development is more appropriate to the site, but the site is a bad site. He feels a smaller building with possibly a few more parking spaces or a way to move the building further towards the corner and move the parking further back would make more sense for this site.

C Gibson:

Likes the project. Believes it is a big improvement over what they saw before.

Likes the look of the building and the trees. Believes the trees will screen the front parking lot from ECR reasonably well.

Would like to see some kind of analysis that would show the turning radius for cars that would convince him that people could and would not back out on the street.

The substantial elevation difference between the two parking areas looks like one is on the upper floor and one is on the lower floor. He would want to work out how that would match up with the street elevations coming along the sloping street.

Would like to see the 10' retaining wall nicely treated in some way with landscaping and a decent finish.

Wants to see the old buildings out of there as soon as possible, and hopes they can make this project work; he believes it can be done.

C Dickenson:

Agrees with C Frautschi about trying to shift the building to front ECR and pushing the parking toward the back. He suggested pursuing with Public Works the possibility of adding some parallel parking spaces and a sidewalk on Middle Road by inserting them into the lot.

C Torre:

Believes the owner is trying to work with the difficulties posed by the traffic, location and the odd shape of the lot.

Agrees with C Parsons that the last proposal made a better approach to the parking because there was a single driveway, not two. The problem with the site is posed by the site itself and the basic physical reality is going to mean that compromises are necessary. She recommended working to devise a single driveway rather than two and it should be further back from the intersection.

Chair Mathewson:

Not thrilled with having the parking facing on ECR, even though it could be masked by some of the Cypress Trees, which he does not associate with cemeteries.

Biggest concern is the safety issue of getting out onto Middle Road.

Didn't know if the idea would work of shifting the building further over and maybe even making it somewhat triangular towards the opening, and having a driveway come in off ECR with parking there.

Suggested consideration of a 2-1/2 story building with the parking underneath covered by landscaping.

Believes they all agree that the site is very difficult, and appreciates the applicant trying to develop it.

In order to give the applicant some direction to explore, CDD Ewing noted that there were two Commissioners who suggested some interest in the previous layout and two others who indicated that bringing the building closer to ECR was a good idea, with hidden parking off of Middle Road preferred.

The applicant mentioned that there is a provision in the Planning Code that allows for a 25% reduction in the parking requirement when within 300' of a train station, which would apply to this lot.

Responding to C Long's question as to whether the City had looked into the feasibility of using redevelopment money toward putting a pocket park on this property, CDD Ewing responded that it has not but that the owner could come in and talk to him about it if he so desired.

Responding to an earlier question, PP de Melo stated that on-street parking is only credited on sites that are zoned C2; the subject lot is zoned C3.

Discussion ensued regarding the possibility of widening the street to allow for parking parallel to the street. CDD Ewing stated that it could be discussed with Public Works and the applicant. C Long suggested that that possibility should be explored with neighbors before going too far with that discussion.

CDD Ewing recommended scheduling a second Preliminary Design Review with more detail after the applicant has a chance to evaluate the options presented.

C Torre requested that staff be mindful of the cost to the applicant, given the difficulties of the site.

6. PUBLIC HEARINGS

6A. PUBLIC HEARING – 1527 El Verano Way

To consider a Single Family Design Review to construct a 765 square foot second story addition for an existing 2,048 square foot single story single-family residence. The proposed addition would result in a total floor area of 2,813 square feet that is in compliance with the R-1B zoning district floor area requirements. (Appl. 2003-0025)

APN: 045-121-040; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(1)

Applicant/Owner: Craig and Patricia Judy

AP Swan summarized the staff report, recommending support of the project.

Craig Judy, applicant, stated that a recent addition to the family precipitated the need for this project, and noted that neighbors who attended their open house have no problems with the project, and that they've heard no negative comments from any other neighbors. Mr. Judy asked for the Commission's approval of the plans as presented. Responding to C Long's question, Mr. Judy stated that it was his understanding that the windows are all going to match the existing windows. He added that there are two-story houses two doors to the north and two doors to the south of his home, as well as others in the area that are a sort of a box set up over the garage or some section of the house. He feels that their design is really well balanced, more toward the geometric center of how the existing structure is put together.

Chair Mathewson opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Parsons, seconded by Commissioner Torre, to close the public hearing. Motion passed 7/0.

MOTION: By Commissioner Torre, seconded by Commissioner Frautschi, to adopt the Resolution approving a single-family Design Review at 1527 El Verano Way, with conditions as stated.

Ayes: Torre, Frautschi, Dickenson, Long, Parsons, Gibson, Mathewson

Noes: None

Absent: None

Motion passed 7/0

C Mathewson noted that the item may be appealed to the City Council within ten days.

6B. PUBLIC HEARING – 2801 San Ardo Way

To consider a Single Family Design Review and Variance to construct a new 2,381 square foot single-family residence that is in compliance with the R-1B zoning district floor area requirements. (Appl. 2003-0002)

APN: 043-313-240; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303, Class 3a

Owner: Jozo Jozinovic

Applicant: Bruno Marcelic

PP de Melo summarized the staff report, recommending approval with conditions as included.

Staff responded to Commissioners' questions as follows:

The entire length on the east side of the dwelling has a 3' setback where the required setback is 15'

A two-car driveway must have a minimum of 12' and a maximum of 20', but to properly access a 2-car driveway and two-car garage you need at least 16'.

The trees in the setback between the property and the street are technically the responsibility of the City of Belmont, but he later provided clarification that, although it is a public right-of-way, typically these areas are maintained by the property owner.

The tree ordinance requires a tree protection bond. In this case, the applicants are not removing any of the trees that are protected and are not required to plant trees. The arborist has provided this information but it is not a condition of approval that we can pose for the project. However, all of the tree protection measures are in place as per the arborist's report.

The property is considered a corner lot, even though it does not front on two streets, because there is no private property on the side between the subject site and the street; the forest to the East is considered right-of-way as part of the street.

To clarify the condition of the Fire Department on the last page, number 8, that an effective fire break shall be provided and maintained behind the structure to the property line, Commissioner Torre asked if it is in conflict with anything else in the landscaping and tree report. PP de Melo replied that it is not; it is an issue

that the South County Fire Department levies relative to the construction of homes. It becomes an issue when talking about lots that are heavily forested. They did not specify how much of a fire break area or how much area needs to be cleared of this vegetation.

Since trees 5, 6, 7, 8 and 13, which will be removed, are not protected trees, Commissioner Torre asked why Item 17 requires mitigation plantings for these trees. Since there's no mitigation requirement for non-protected trees it seemed to her that it is not appropriate to include a condition related to this landscaping. CDD Ewing stated that the difference in mitigation plantings is that they could not be removed before they grew to the status of protected trees. These are now part of a project approval so they have a different kind of status; they are on a landscape plan but they are not mitigation plantings. He believes one can identify the condition without the title and omit the reference to mitigation planting. C Torre did not believe it was just a question of semantics since a mitigation planting cannot be removed later on.

Bruno Marcelic, architect representing the owner, thanked staff for the excellent staff report and asked the Commission to approve staff recommendations for the design of the house and Variance. They were willing to work with the City to get this project approved. Again he thanked staff for their excellent work and felt they could come up with a good project for the City.

Steve Simpson, 2805 San Ardo Way, stated that he is also speaking on behalf of his neighbors at 2803 San Ardo Way, who were in the audience. They asked that the Commission to consider the following:

Providing some off-street parking in the front of the house because parking is an issue on their street.

Providing additional screening on the downhill side since the house looks into their back yards. They would be willing to work with the applicant on species and the exact location of four or five additional trees to help screen some of the glazing on the house.

Assure that the tree protection measures are maintained during construction.

If possible, require colors in an earthtone palette that would blended in with the surroundings.

Don Last, 2814 San Ardo Way, wanted to know how far away from Monte Cresta this house will be built. CDD Ewing responded that the staff report says it is from 40-90 feet. PP de Melo clarified that the actual Monte Cresta right-of-way is at least 40 feet upwards to 90 feet in terms of total distance from the corner of Monte Cresta all the way to the property line.

Bruno Marcelic responded to the request from the neighbors by saying that the applicant is more than willing to work with them and the City arborist to plant more trees to screen their backyards. He added that the driveway is so long because the City right-of-way is almost 30 feet from the curb, and that they can park almost 8 cars on the driveway.

MOTION: By Commissioner Parsons, seconded by Chair Mathewson, to close the public hearing. Motion passed 7/0.

Commissioners Torre and Frautschi and Chair Mathewson stated that they like the design of the house and felt that the Variance findings could be made.

MOTION: By Commissioner Torre, seconded by Commissioner Parsons, to adopt the Resolution approving a Variance and single-family Design Review at 2801 San Ardo Way, with conditions as attached, except that Condition 17 will be re-phrased to say "landscape plantings" rather than "mitigation plantings."

Ayes: Torre, Parsons, Dickenson, Long, Frautschi, Gibson, Mathewson

Noes: None

Absent: None

Motion passed 7/0

Chair Mathewson noted that the item may be appealed to the City Council within ten days.

Regarding Item 5A on 780 El Camino Real, Chair Mathewson asked Commissioners to give their pictures on the project to RS Flores so that they can be recycled when the project next appears on the agenda.

7. NEW BUSINESS:

7A. Consideration of a Request for an Extension of a Conditional Use Permit and Associated Detailed Development Plan, and Design Review, granted by The Planning Commission on April 16, 2002 for 2440 Carlmont Drive (Summerhill Homes).

PP de Melo gave the background of the project and referred to the applicant's letter of April 4, 2003 describing their request and proposed timetable. He noted that the extension request is only for the Conditional Use Permit and associated Detailed Development Plan, and the Design Review. The extension would be to April 16, 2004. The applicant has indicated that they are pursuing a more aggressive schedule and that they will be submitting the landscape plan and taking possession of the site in August of this year. Staff believes findings can be made to approve the extension.

Responding to Commissioner Gibson's question, PP de Melo stated that a traffic study had been prepared for this project but should not be out of date, even though the Sunrise facility is finished and operational.

Commissioner Gibson recommended that a traffic light be installed at Chula Vista and Ralston, but was advised that that is not a part of this project.

MOTION: By Commissioner Torre, second by Commissioner Frautschi, to approve an extension of a CUP, associated Detailed Development Plan, and Design Review for Summerhill Homes at 2440 Carlmont Drive.

Ayes: Torre, Frautschi, Dickenson, Long, Parsons, Gibson, Mathewson

Noes: None

Absent: None

Motion passed 7/0

Chair Mathewson noted that the item may be appealed to the City Council within ten days.

8. REPORTS, STUDIES, UPDATES AND COMMENTS

CDD Ewing reported that a question had been raised regarding the Fire Marshal's clearance zone around property, and stated that he will be getting some dialogue started about that topic in the near future.

C Frautschi thanked staff for the very good reports prepared for this evening's meeting, and acknowledged CDD Ewing for the real cross section of people he has assembled for the upcoming Visioning process.

Responding to C Frautschi's request, CDD Ewing agreed to register a complaint about the gate at the Safeway loading dock that has been in disrepair for over a year.

C Torre asked for an update on the complaint they had received about clear cutting on the Steel property.

CDD Ewing stated that the work is being conducted by Pacific Bell but staff has not been able to identify that they have an easement and what they have actually done. Staff is still investigating, and will report to the Commission via e-mail when they have reached some solid conclusions.

C Gibson asked for a preview of future agenda items. PP de Melo advised that design review for the Walgreen/Block 4 landscaping and façade improvement, a Preliminary Design Review for the Charles Armstrong School, and a FAR for 575 South Road are tentatively scheduled for May 20th. June 4th is when it is expected to bring back the Atrium project, along with several other large projects.

C Long asked for an update on what kind of backlog a typical applicant is seeing today. CDD Ewing suggested that staff do some analysis by identifying when projects were first submitted for a formal application, when they were deemed complete and then gather some statistics and report back to the Commission.

9. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY,

April 8, 2003.

Liaison: Commissioner Mathewson

Alternate Liaison: Commissioner Long

10. ADJOURNMENT:

The meeting adjourned at 8:30 p.m. to a regular meeting on May 20, 2003 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP
Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review in the Community Development Department Please call (650) 595-7416 to schedule an appointment.